

REMARKS

Claims 2 and 7-20 remain pending in the application.

Applicant calls to the Examiner's attention application 09/571,422, which issued as patent 6,947,571 on September 20, 2005 (handled by Examiner Andrew Johns of Art Unit 2621). That patent – filed May 15, 2000 (with various priority claims extending back earlier) issued with the following claims:

1. In a wireless telephony handset including a microphone, a modulator, and an RF amplifier, the handset serving to receive audio and transmit an RF signal conveying audio modulation, an improvement comprising a 2D optical sensor producing optical data, a lens for imaging an object onto the sensor, and a watermark decoder for decoding plural bit identifier data conveyed by a digital watermark on the object.

2. A method of using a wireless telephone handset that includes a microphone, a 2D optical sensor, and a wireless interface, the wireless interface being capable of transmitting an RF signal conveying information corresponding to audio sensed by said microphone, the method comprising:

presenting in a field of view of said 2D sensor a physical object bearing a digital watermark pattern, the pattern representing a plural-bit watermark payload; and decoding from the physical object said plural-bit watermark payload.

3. The method of claim 2 wherein the physical object is a card.

4. The method of claim 2 wherein the card is a playing card.

The Examiner is invited to consider whether a Terminal Disclaimer is required in view of this recently-issued patent.

Regarding the outstanding rejections, the Examiner has now abandoned the rejection made in the September 9 Action (which, in turn, abandoned the rejection made in the April 4 action, which applicant appealed), and advanced still another theory of rejection – an obvious-type double patenting rejection based on commonly-owned patent 6,278,781 in view of a commonly-owned application published as 20050058319.

Application 20050058319 was filed *after* the present application (and the present application claims priority to still earlier applications). The Action provides no indication why the '319 publication was cited as prior art.

Reconsideration of the rejection is thus solicited.

Date: October 6, 2005

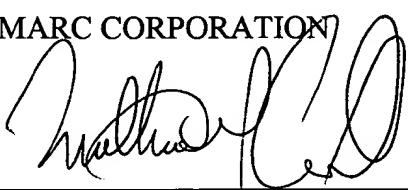
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Respectfully submitted,

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